**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929**

**WP(C).No. 21332 of 2007(M)**
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**PETITIONER:**
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**PRINCE P.RAJ, S/O. PRABHULACHANDRA RAJ,**
**AGED 27 YEARS, RESIDING AT BHASURA VILASOM,**
**KATTUPUTHUSSERY, NAVAIKULAM.**

**BY ADV. SRI.P.DEEPAK**

**RESPONDENTS:**
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**1. THE REGIONAL TRANSPORT OFFICER,**
**(REGISTERING AUTHORITY), ATTINGAL.**

**2. THE SECRETARY,**
**REGIONAL TRANSPORT AUTHORITY, KOLLAM.**

**BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON 05/10/2007 DELIVERED THE FOLLOWING:**

**tss**

**W.P.(C) NO.21332/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE RELEVANT PAGES OF THE CERTIFICATE OF REGISTRATION OF THE KL 16/810.**

**EXT.P2:- COPY OF THE SALE AGREEMENT DT. 9.11.04 .**

**EXT.P3:- COPY OF THE RELEVANT PAGE IN THE CERTIFICATE OF REGISTRATION OF THE VEHICLE EVIDENCING CANCELLATION OF THE ENTRY RELATING TO HP AGREEMENT.**

**EXT.P4 & P4(a):- COPIES OF THE FORM 29 & FORM 30 NOTICES DT. 18.3.06.**

**EXT.P5:- COPY OF THE JUDGMENT DT. 19.12.06 IN WPC NO.26307/04.**

**EXT.P6:- COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY , KOLLAM DT. 24.4.07.**

**EXT.P7:- COPY OF THE COVERING LETER SUBMITTED ON 2.7.07 .**

**EXT.P8:- COPY OF THE ENDORSEMENT MADE IN THE CERTIFICATE OF REGISTRATION IS PRODUCED HEREWITH RELATING TO PAYMENT OF TAX FOR THE QE 30.6.07.**

**EXT.P9:- COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENTS DT. 5.7.07.**

**/TRUE COPY/**

**P.S.TO JUDGE**

**tss**

**ANTONY DOMINIC, J.**

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**W.P.(C) No. 21332 OF 2007 M**
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**Dated this the 5th October, 2007**

**J U D G M E N T**

The prayer in this writ petition is to quash Ext. P9 and to direct the 2nd respondent to issue a permit-less/clearance certificate for the purpose of effecting change of ownership in the Certificate of Registration of stage carriage KL-16/810.

2. The case of the petitioner is that the vehicle in question was transferred to him by Ext. P2 agreement and necessary documents were also executed for effecting the change. But for reasons of his own these were not submitted to the authorities and the registered owner continued to be the transferor in Ext. P2. Meanwhile the registered owner is stated to have committed suicide on 21-3-2007 and in view of this, the application which the deceased had made for regular permit was rejected. Thereafter by Ext. P7, petitioner submitted documents for effecting transfer in the Registration Certificate and that was returned with a direction to obtain a permit-less certificate from the

1st respondent. Thereupon, he approached the 2nd respondent who issued Ext. P9 rejecting the application.

3. One of the reasons stated in Ext. P9 was that the R.T.A. had rejected the application for fresh regular permit stating that the applicant was no more. The 2nd reason stated in Ext. P9 is that the petitioner has to comply with the provisions of Rule 56 of the Central Rules. Counsel for the writ petitioner would submit that the reasons stated in Ext. P9 are illogical and absurd.

4. True, the application for regular permit was rejected on account of the death of the applicant and it was to obtain the same that the petitioner, as the transferee, had applied for transfer and on its return, he was required to obtain a permit-less certificate. Therefore, the first reason stated may not be correct.

5. Then what remains is the question whether the petitioner should comply with Rule 56 of the Central Rules. Rule 56 provides the method for transfer of ownership on the death of owner of the vehicle. In this case, though it is the case of the petitioner that

by Ext. P2 the registered owner had transferred the vehicle, the transfer can be completed only when the procedure laid down in that behalf has been completed and necessary changes incorporated in the Certificate of Registration. This has not been done in this case. Therefore, on the death of the transferor, the vehicle in question has remained the estate of the registered owner and has devolved on his legal representatives.

6. Since the transfer has not been completed as on the date of the death, unless the procedure laid down in Rule 56 has to be complied with and that ground of rejection contained in Ext. P9 is to be upheld. The submission of the petitioner that what is required to be complied with is Rule 55, does not have any basis. In this case, since the registered owner is no more Rule 55 cannot apply and Rule 56 governs the field. Therefore the reasoning in Ext. P9 that the petitioner has to comply with Rule 56, cannot be set aside.

Writ petition fails and is dismissed.

**ANTONY DOMINIC**
**JUDGE**

jan/-